IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Writ Petition No. 977 of 2005 (S/S)

Ram Lal Singh S/o Chattar Singh
R/o Village Dhakiyakala (Mahadev Nagar)
P.O. Mahadev Nagar
District Udham Singh Nagar …Petitioner

Versus

1. State of Uttaranchal through
Secretary, Basis Education,
Government of Uttaranchal,
Dehradun
2. Principal,
Director Education & Training Institute
Bhimtal
District Nainital
3. Director of Basic Education
Uttaranchal …Respondents

Sri R. Tamta, learned counsel for the petitioner.
Sri Paresh Tripathi, learned standing counsel for the State.

Hon'ble B.C. Kandpal, J.

By means of this writ petition the petitioner has sought a relief in the nature of mandamus commanding the respondents to give admission to the petitioner in the specialized B.T.C. Training Course in District Education and Training Institute Bhimtal in pursuance of the advertisement dated 19.04.2005.

Brief facts giving rise to this petition are that the petitioner obtained the degree of Bachelor of Physical Education (B.P.E.) from Shri Shivaji College of Education, Amrawati. As per the petitioner the degree is equivalent to B.ED. degree and the State of Maharashtra has also given recognition to this institution.

The petitioner after completing his academic education and has obtained Sahitya Ratana Degree from Hindi Sahitya Sammalan, Allahabad which is equivalent to B.A. Degree.

In an advertisement published in Amar Ujala (newspaper) on 19.04.2005 whereby the applications were invited from

the candidates who have the qualification of B.ED., B.P. Ed., L.T. and other equivalent degrees for the purpose of specialized B.T.C. training. The petitioner also submitted his application and appeared before the respondent No. 2 on 13.06.2005. The respondent No. 2 raised objection by saying that the degree of Bachelor of Physical Education obtained by the petitioner from Shri Shivaji College of Education, Amrawati as not recognized by the N.C.T.E. hence would not be accepted, hence this writ petition.

Heard learned counsel for the petitioner as well as learned standing counsel for the State and perused the record.

Learned counsel for the petitioner has submitted that in the advertisement dated 19.04.2005, there was no condition that the degree obtained from Shri Shivaji College of Education, Amrawati would be unacceptable or the institution awarding such degree should be recognized by N.C.T.E., hence the denial of the petitioner is illegal and arbitrary. The petitioner is also filed the recognition letter and certificate issued by the N.C.T.E.

The record shows that the petitioner obtained the degree of Bachelor of Physical Education from Amrawati University in the year 1993. The petitioner has annexed the copy of the letter issued by N.C.T.E. showing therein that the degree has been recognized in the year 1997-98, 1999-2000.

However, it is not clear whether in the year 1993 when the petitioner passed his examination, the institution was recognized or not. Therefore, it would be at the discretion of the respondents to consider whether to take the petitioner for the training course of specialized B.T.C. or not, especially in the light of the degree, which the petitioner has possessed.

Accordingly, the petitioner is at liberty to move the representation before the respondent No. 2 within a period of one week giving entire material along with the certified copy of the judgment and the

respondent No. 2 thereafter decide the representation of the petitioner within a period of 15 days by passing speaking and reasoned order.

With the aforesaid observation, the writ petition is finally disposed of and

(B.C. Kandpal, J.)

16.07.2005
ASWAL